

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF NOVEMBER 23, 2004.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Melanie Lewis (Director of Community Development), Tom Carroll (Public Works Director), Mike Hebert (Legal Counsel)

COMMENCEMENT

(TAPE 1)(SIDE A)(459) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of November 23, 2004 to order.

(TAPE 1)(SIDE A)(461) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Marc Mouton was called upon to deliver the invocation and lead the Pledge of Allegiance.

The Chair then wished Councilmember Rob Stevenson a “Happy Birthday” on Thanksgiving Day.

(TAPE 1)(SIDE A)(499) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT’S REPORT**

In response to the Council’s concerns regarding cost incurred for the Fiber For The Home project, LUS Director Terry Huval reported that the total cost expended to date was \$451,657.77, of which \$107,739.69 is attributed to costs associated with responding to state legislative activities brought on by the private telecommunications companies and \$196,576.53 due to intervention by private companies.

ORDINANCES FOR FINAL ADOPTION

(TAPE 1)(SIDE A)(556) AGENDA ITEM NO. 4: O-259-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify the property of Justin P. Duke, Case No. Z2004-025 Duke Transportation West Willow Street Property Rezoning, located generally south of West Willow Street, west of Staten Street, and east of LA Hwy. 182/North University Avenue, from R-1-C (Single and Two-Family Residential) to B-T (Transitional Business), motion to adopt by Williams, seconded by Broussard.

Jim Parker, Zoning Coordinator, explained that this property is located on West Willow St. The Dukes would like to rezone the property B-T (Transitional Business) and they have no immediate development plans. The Zoning Commission recommended approval. There was some opposition from the neighborhood.

Williams argued that this rezoning would encroach onto a residential area and asked the Council to vote no. Benjamin concurred with Williams.

The following individuals were recognized:

Gus Hebert (160 Staten St.) expressed concern over the rezoning because the property owners did not have a plan. He stressed that this was a residential area.

Herleut Henry (125 Staten St.) spoke against the rezoning and urged the Council to leave the zoning at R-1-C.

Milton Cormier (152 Staten St.) stated the biggest concern of the areas residents is what are they going to do with the property. He urged the property owners to work with the residents.

The Chair then called for a vote on the motion, and the vote was as follows:

YEAS: None

NAYS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

ABSENT: None

ABSTAIN: None

Motion failed.

(TAPE 1)(SIDE B)(118) AGENDA ITEM NO. 5: O-260-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of Juanita Comeaux, et al, Case No. Z2004-026 Juanita Comeaux Ambassador Caffery Parkway Rezoning, located generally east of Ambassador Caffery Parkway, north of Dulles Drive, south of Avondale Drive, and west of San Carlos Circle, from R-4 (Condominium, Townhouse, and Zero Lot Line Homes) to B-T (Transitional Business), motion to adopt by Broussard, seconded by Mouton.

Denise Womack, Zoning Manager, explained that this property is a 17.5-acre tract of property that fronts the east side of Ambassador Caffery Parkway just north of Dulles Dr. The original rezoning request was for Transitional Business, which drew much opposition at the Zoning Meeting. After much discussion, the Zoning Commission did recommend approval. Since then, Councilmember Conque has met with the townhome residents and the property owner and the property owner has since agreed to a conditional rezoning.

A substitute motion was offered by Conque, seconded by Mouton to amend the ordinance by changing the rezoning from B-T (Transitional Business) to B-T(c) (Transitional Business – Conditional) and to add a new Section 2 listing three (3) conditions as follows: *1) A 15-foot landscape strip shall be provided along the subject property's south property line from its southeast corner westward approximately 580 feet, adjacent to Dublin Circle and the R-4 Zoning District; 2) A 10-foot landscape strip shall be provided along the subject property's south property line adjacent to Dublin Circle and the B-T Zoning District as required by the Zoning Ordinance; and 3) These landscape strips shall be included in the calculation of their lot's required 20% open area.*

Broussard stated he would not support the amendment because an additional 5 feet is being requested from what the guidelines call for, which is 10 feet. There is already a road. Conque rebutted that this is also like Agenda Item 4, an encroachment into a residential area. In negotiations with the residents and Mrs. Boudreaux, the residents requested 20 feet. Mrs. Boudreaux agreed to 15 feet and will not be losing any usable space.

The Chair called for the vote on the amendment, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque, Mouton, Stevenson, Menard

NAYS: Broussard

ABSENT: None

ABSTAIN: None

Motion was approved.

The following individuals were recognized:

Juanita Comeaux signed in only if the Council had questions.

Ed Abell signed in only if the Council had questions.

Paul Comeaux signed in only if the Council had questions.

Don Authement spoke in support of the ordinance.

The following individuals signed in but did not wish to speak:

Terry Doehling
Linda Boudreaux
Betty Lewis

Lawrence Howard
Suzanne Authement

Mary Ann Mirian
Polly Tackett

The Chair then called for a vote on the ordinance as amended, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,
Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(373) AGENDA ITEM NO. 6: O-261-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify Kingspointe Phases I & II, Case No. Z2004-027 Kingspointe Phases I and II Comprehensive Rezoning, located generally south of Feu Follet Road and Shamrock Drive and north of Verot School and South Beadle Roads, from B-2-I (Intermediate Business) to R-1-C (Single and Two-Family Residential), motion to adopt by Stevenson, seconded by Mouton.

Jim Parker, Zoning Coordinator, explained that this property was developed in the late 1990's in B-2-I (Intermediate Business) Zone, which allows residential uses in a commercial area. The Council recently requested rezoning to a residential zone. The Zoning Commission and the staff are recommending a R-1-C (Single and Two-Family Residential) zoning.

The Chair then called for a vote on the motion, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,
Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(407) AGENDA ITEM NO. 7: O-269-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of Sharon K. Moss, Case No. Z2004-020 Moss Motors Property Rezoning, located generally northeast of Surrey Street and northwest of Michael Allen Boulevard, from R-4 (Condominium, Townhouse, and Zero Lot Line Homes) to B-2-I(C) (Intermediate Business – Conditional), motion to adopt by Stevenson, seconded by Benjamin.

Bouy explained that this property is a .73-acre tract of land at the corner of Surrey St. and Michael Allen Blvd. The request is to rezone from R-4 to B-2-I with a use limitation to a parking lot. This ordinance came before the Council several weeks ago but was defeated. It was reintroduced and after further renegotiations between the residents and the property owner, the property owner agreed to reduce three parking spaces and add a buffer zone from the condominiums from 6 feet to a full 15 feet.

The following individuals were recognized:

Etta Barber had left the meeting.

Dallas Fleming opposed the rezoning stating the property owner knew the property was zoned residential when she bought it.

Elsie Prejean spoke in opposition to the ordinance and suggested that the property owner leave it as a green space.

Peter Scalisi stated he was sorry none of the Councilmembers took up his offer to visit his home; argued that Surrey St. is too narrow to support a business such as Moss Motors; and urged Councilmembers who have had personal dealings with Moss Motors to abstain from voting.

Brenda Knight, representing her mother (a resident of Michael Allen Blvd. for 42 years), spoke in opposition to the ordinance.

Stephen Bordelon did not wish to speak.

Alex Montgomery asked if a traffic study had been done on Surrey St. as far as the traffic flow and how this project will increase or decrease the actual traffic flow. He stated that three fatalities had occurred in the last year and asked if LCG would be responsible if another fatality occurred. Benjamin rebutted that Ms. Moss has gone above and beyond to make concessions for the neighboring subdivision, including no access to the lot from Michael Allen Blvd and increasing the green area.

Shelby Williams commented that early on Benjamin said he would support the neighborhood and now he is voting against them; he thanked Benjamin for suggesting a compromise between the neighborhood and the property owner; and then he asked what message this action would send to other businesses and neighborhoods. Benjamin rebutted that subsequently additional actions have been taken to insure there would be no encroachment into the neighborhood. This business, and any other business, has a right to exist and expand.

Kirby Pecot signed in if there were any questions.

Sharon Moss signed in if there were any questions.

Corey Moss signed in if there were any questions.

Jeff Landgrave passed.

Mike Patout signed in if there were any questions.

Carol Guilbeaux spoke in support of Moss Motors and the ordinance.

D. M. Rogers spoke in opposition to the ordinance and requested that the Council maintain the current zoning of R-4 (Condominiums, Townhouses and Zero Lot Line Homes).

The following individuals signed in but did not wish to speak:

Catherine Fleming	Meghan Figueron	Bernice Collins
Emile Mouton	Beatrice Figueron	Cynthia Figueron
Janet Posey	Lisa Kaliti	Annette Voorhies
Jeffrey Landry	Curtis Roy	

The Chair then called for a vote on the motion, and the vote was as follows:

YEAS: Williams, Benjamin, Conque, Stevenson, Menard

NAYS: Broussard, Mouton

ABSENT: None

ABSTAIN: Badeaux, Bourgeois

Motion was approved.

REPORTS AND/OR DISCUSSION ITEMS

(TAPE 2)(SIDE A)(321) AGENDA ITEM NO. 8: Update on Hoffpaur Road.

Public Works Director Tom Carroll informed the Council that the property owners were asked for 10 feet of servitude on either side for a 60-foot road and they were not willing to do so. Now the property owners may be willing to give 5 feet servitude for a 50-foot road. He warned that without a 60-foot servitude there’s going to have to be some piping of the ditches. Estimates show that with a contractor the cost will be approximately \$160,000 for the first 1500 feet off of West Congress. In-house would cost approximately \$80,000 to \$90,000 depending on equipment rental.

Broussard requested that Public Works pursue the 50-foot road and that this issue be placed on the December 28th agenda.

The following individual was recognized:

Carroll Gary thanked Broussard for all his help and urged the importance of this project and need for a 60-foot road.

(TAPE 2)(SIDE A)(510) AGENDA ITEM NO. 9: Update on Wellington Ridge Subdivision.

Larry Broussard, City Engineer, explained that, initially, there was construction in Wellington Ridge Subdivision without submittal of construction plans or a drainage impact analysis, which caused problems during a major rain event. The developer was contacted, by letter, to cease construction until those plans were submitted for review. A letter was sent on August 26, 2004. Subsequent to the review letter, the developer has informed Broussard that he is preparing a response and had changed Engineering firms. Since then, the Drainage Impact Study has been received and construction has begun again.

Bouy added that the house was moved without a permit and there is no electricity. On every complaint call she had on construction, she would send out a Building Inspector to issue a “cease and desist” order. The staff will continue to monitor for violations. Bouy then stated that the problems can be solved and Wellington Subdivision can still be done properly.

Broussard urged continued monitoring of the situation.

ITEM NO. 11 WAS TAKEN OUT OF SEQUENCE.

(TAPE 2)(SIDE B)(079) AGENDA ITEM NO. 11: Noise ordinance update by Tim Melancon.

Melancon, Alcohol & Noise Control Manager, presented the Council with a report on noise violations. The report compared noise citations issued from June 2002 through May 2003 (the last full year under the civil code) and from June 2003 through May 2004 (the first full year under the criminal code). *The report is on file in the Council office.*

Upon questioning by Benjamin, Melancon explained that the cases marked “pending” are the violators who have been given tickets but who have not gone through the judicial process in court. They either have pled “not guilty” and is set for a trial or it has not been set for arraignment as of yet. Most of these cases are for broadcast vehicles and they are set on the traffic court docket with all other traffic violations. Individuals should call Melancon at 291-8675 for violations or the Police Department or Sheriff’s Office.

CAO Stanley then announced that Tim Melancon’s office is now located in the War Memorial Building.

The following individual was recognized:

George Bentley commented that several months ago, the Police Department monitored his neighborhood and issued 70 citations. The situation is getting worse again. Menard requested that the Clerk resubmit another request to the Police Department to monitor Mr. Bentley’s neighborhood again.

(TAPE 2)(SIDE B)(191) AGENDA ITEM NO. 10: Annexations north of the City of Lafayette.

Frank Thibeaux, Annexation Coordinator, began by referring to two areas of particular interest to Councilmember Williams. He reported that Malapart Road is part of the Grand Stakes litigation that is on-going in Carencro and the residents of Smith-Reed Road (approximately 1 mile from the current corporate limits at Moss and Gloria Switch) have not requested annexation. Williams explained that if LCG does not pursue these areas then LCG would be landlocked.

Bouy then presented two maps to the Council. The first was a map of Lafayette Parish showing the municipalities. The second was a map showing the municipalities with the Area of Influence outlined. She explained that President Durel, the LUS Director and herself had met and would like to propose to the Council a 15-Year Annexation Plan, with an opportunity to work with the small towns to try to come to some agreements and service providers based on who can provide to whom and when. Several Councilmembers expressed concern over the 15-year plan stating that it was too long and other municipalities could annex in that time. Conque urged Bouy to be aggressive, to devise a good marketing plan and to go to the constituents directly and not wait for them to request the annexation.

Stanley rebutted that the Administration is being aggressive by answering the Council's questions regarding annexation with quick dispatch. He argued that if there weren't some type of understanding with the small towns, it would end up with a situation like the one in Carencro where LCG annexed the same property that Carencro annexed. It ends up in Court and twenty years later, LCG de-annexes the same property.

Upon questioning by Conque, Stanley explained that utilities is one of the bargaining tools and one of the benefits LCG can provide, especially when it comes to sewer and water. The SLEMCO agreement is very vital, in this case, where LCG can annex in areas that LCG can not provide utilities.

The following individual was recognized:

Jeffrey Landry urged the Council to annex Mouton trailer park area off of Webb and Teurlings Drive.

(TAPE 3)(SIDE A)(005) AGENDA ITEM NO.12: Update from Marcus Bruno on the Nuisance Ordinance.

Bruno explained that he has been working with the owners of the locations deemed nuisances and most of the situations have been eradicated. There are now 2 residential locations and 1 commercial location on notice and he is now collecting data on drug and crime activities from these neighborhoods. Anyone wishing to report a nuisance can call 291-8340 along with the law enforcement authorities, as well, whether in the City or Parish, so the data could be collected to be used as evidence in a court of law.

With reference to the Fairfield Inn on the Evangeline Thruway, Bruno reported that this would be a zoning issue as far as getting the building condemned. New management has renovated the front part of the property

(TAPE 3)(SIDE A)(035) AGENDA ITEM NO. 13: Update on Resolution No. R-055-2004, penalties for unauthorized removal of shopping carts.

Major Jones reported that the Police Department is committed to working with the Council on the resolution of this problem. Williams stated that when a basket leaves a parking lot, that is theft and they should be fined \$100. Ordinances will be researched to see what can be done to the owners of the baskets if they are left in public rights-of-way and public property.

The following individual was recognized:

Shelby Williams suggested that there be an educational approach to the public so that they will be aware of the penalties.

(TAPE 3)(SIDE A)(132) AGENDA ITEM NO. 14: Update on the 30-day speed limit enforcement that is currently being performed on the Evangeline Thruway between I-10 and Pinhook Road.

Major Craft reported that during a 5-day period, 61,000 vehicles were clocked on a data collector. 1.8% were driving 50 miles per hour or faster in a 40 mile per hour zone. 8% were driving between 6 to 9 miles over the speed limit. The other vehicles were observing the posted speed limit or driving less. After the data was collected, patrols were sent out and 193 citations were issued. Only 23 of those citations were for speeding. The rest were for non-moving or other moving violations (red lights, stop signs, etc.).

(TAPE 3)(SIDE A)(203) AGENDA ITEM NO. 15: Recognize Mary Chevalier to discuss children and loitering.

Mary Chevalier, manager of Club Flamingo, complained of under aged children hanging out on Simcoe Street on Sunday nights. From 9:00 p.m. until the early morning hours, these children are loitering, littering, drinking, playing loud music and blocking traffic. She mentioned that she has talked with the Police Chief but nothing has been done.

Menard suggested that Ms. Chevalier meet with CAO Stanley. Williams recommended that a Request for Service be sent to Utilities for street lighting, the curfew ordinance be updated, the open container law be enforced and that a sting operation be held for these minors. He then

requested that this issue be placed on the December 28, 2004 meeting for an update by the Police Department.

COMMENTS FROM THE PUBLIC

(TAPE 3)(SIDE A)(348) AGENDA ITEM NO. 16: Comments from the public on other matters.

Jonathan Joubert spoke against placing cameras in high-crime areas.

Shelby Williams complained that he could not obtain a map from the Police Department showing the high-crime areas; spoke against the cameras being placed in high-crime areas; and asked for the budget for the Fiber-to-the-Home feasibility study.

Louis Kellogg urged the Council to enforce an open container law. He gets debris in his yard from the business next to his home. Menard requested that the Clerk send Mr. Kellogg's complaint to the Environmental Quality Division and to give Mr. Kellogg the phone number to the EQ Division. Williams requested the same courtesy to Mr. Tony Gordon, who has had some of the same problems in the Oil Center.

Andrew Hebert continued his presentation to the Council regarding the City of Lafayette tax issue. He requested a copy of the canvassing of returns and the request for the calling of that election by the City of Lafayette or by the Parish of Lafayette.

George Bentley stated that at an earlier meeting, he informed the Council that property had been taken from him during a traffic stop on September 25th. He had not been able to recoup his property.

Jeffrey Landry commented on the outcome of the Lafayette-Vermilion boundary line.

Lisa Kalaiti explained that PZC would not allow her to open a business on her property (in an apartment behind her house) because it was zoned residential. However, the Council voted to allow Sharon Moss to build a parking lot in a residential area. She stated her disappointment in the Council's lack of concern for the residents. Menard reminded Ms. Kalaiti that the rezoning was conditional and only a parking lot can be built there.

ADJOURN

(TAPE 3)(SIDE B)(019) There being no further business to come before the Council, Chair Menard declared the Regular Council Meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL